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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,932	12/12/2003	Chi Fai Ho	IPLN.P0001C	2247
7590 Peter Tong 1807 Limetree Lane Mountain View, CA 94040			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,932

Applicant(s)

HO ET AL.

Examiner

Frank M. Leiva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to a request for reconsideration filed 05 June 2007, applicant argued that "a specific area" and "the specific area" are the same recitation of the object same object due to antecedent basis. This is a new interpretation of claims 13-16 and 23-26 and thus reconsideration is merited.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of the computer-implemented method must be shown in a flowchart if there is a sequence to them, or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 13-16 and 23-26** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "after selecting the one or more areas, selecting the specific area of the subject to work on" points to a reoccurring never ending cycle. The specifications fail to mention "a specific area" and/or positively recite the limitation nor does it explain how the loop of repeated selection will end.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 13-16, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 5,904,485).**

7. **Regarding Claims 13 and 23**, Siefert discloses retrieving test results from testing (i.e., assessment) the user on at least one area of the subject after materials on

the subject have been presented for the user to learn. See Col.9: 10-19. Siefert discloses analyzing the test results using a relationship rule to suggest certain activity (e.g., lesson number 13) for the user. See Col.9: 10-19. Siefert discloses wherein the relationship rule defines at least a relationship between at least two area of the subject (e.g., lesson number 12 and lesson number 13 of analytic geometry). See Col.9: 14-19. Siefert discloses wherein the method further comprises selecting an area of the subject for the user to work on (e.g., lesson number 13), and wherein the user previously has been assessed (i.e., successfully completed 12 of 60 lessons) to have achieved a certain satisfactory level of understanding in the area after presentation of materials regarding the area to the user. See Col.9: 14-19. Siefert discloses wherein one or more additional areas or a third area and a fourth area of the subject may be selected for the user to work on after the user has been previously assessed to have achieved a certain satisfactory level of understanding in the area and depending on the time elapsed from the time when the user has been assessed to have achieved a certain level of understanding in the third area. See Col.9: 14-19, 62-67. Siefert discloses wherein the area is selected for the user without depending on whether the user has been assessed to have achieved a certain satisfactory level of understanding in the one or more additional areas. See Col.14: 40-58.

8. **Regarding Claims 14-15 and 24-25**, Siefert discloses the testing on the user comprises testing the user on a plurality of areas; wherein the subject includes a broad area (i.e., analytic geometry) and a narrow area (i.e., lesson number 13), with the broad area covering the narrow area; and the suggestion can be on the broad area or the narrow area and wherein based on the suggestion, materials are presented to the user to allow the user to practice on the subject so as to further enhance the user's understanding in the subject. See Col.9: 10-19.

9. **Regarding Claims 16 and 26**, Siefert discloses wherein the user is allowed to be involved in an interactive exploration (e.g., request another explanation) to learn about the subject. See Col.14: 56.

10. **Regarding claims 13 and 23;** Siefert discloses "*after the presentation of materials regarding a specific area of the subject to the user, and further after the user has been assessed to have achieved at least a passing grade or to have understood the specific area, and after selecting the one or more areas, selecting the specific area of the subject for the user to work on, wherein the specific area is selected for the user without depending on whether the user has been assessed*", (Table 4.2 item 3.), where reviews of previously learned material are spaced to reinforce long term memory.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al (US 5,788,508), interactive computer aided learning. Goleh (US 5,372,507), Machine-Aided tutorial method.

Response to Arguments

11. Applicant's arguments with respect to claims 13-16 and 23-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

06/20/2007



Robert E Pezzuto

Supervisory Patent Examiner

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